

FREDERICK COUNTY LIQUOR BOARD
Public Meeting Minutes
Monday, May 13, 2013

Those Present: Mr. Dick Zimmerman, Chairman
Mrs. Maggi Hays, Board Member
Mr. Rick Stup, Board Member
Mrs. Linda B. Thall, Sr. Assistant County Attorney
Mr. Harold C. DeLauter, Alcoholic Bev. Inspector
Ms. Kathy L. Vahle, Administrator
Mrs. Sandra Rees, Administrative Specialist IV
Mrs. Penny Bussard, Administrative Specialist IV

A Public Meeting was held at 12 E. Church Street, Frederick, Maryland, and was called to order at 8:45 am by Chairman Zimmerman.

1. **Maryland Ensemble Theatre** – Ms. Vahle stated she received a request to take on an additional 1700 square feet on July 1, 2013, to be used for rehearsal, a classroom, storage and a small studio space.

MOTION: Mr. Stup made a motion to approve this request.

SECOND: Mr. Zimmerman seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: Inspector DeLauter is to check the storage area.

VOTE: Mr. Stup - Aye
Mr. Zimmerman – Aye
Mrs. Hays - Aye

The vote was unanimous. ***Aye – 3 Nays – 0***
(Motion Passed)

2. **Family Meal** – Ms. Vahle stated their second request was to hold outside movies events. The movie event for May 8th was cancelled due to the weather. They would like to hold the rest of the movie events possibly through September. The Board had approved May 8th, but chose to discuss the future dates.

MOTION: Mr. Stup made a motion to approve all of the outside movie events with the same conditions as the first approval.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Stup - Aye
Mrs. Hays - Aye
Mr. Zimmerman - Aye

The vote was unanimous. **Aye - 3 Nays - 0**
(Motion Passed)

3. **Golden Mile Alliance** – Mr. Stup stated this event has been planned for a month but had not contacted the Liquor Board. Kathy will check with other counties. Mrs. Hays suggested that this application should be approved but all future applications would need to qualify by a non-profit letter.

MOTION: Mrs. Hays made a motion to treat the applicant as an association and approve this event only and will need to have a non-profit letter for all other events.

SECOND: Mr. Zimmerman seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mrs. Hay - Aye
Mr. Zimmerman - Aye
Mr. Stup - Nay

Aye - 2 Nays - 1
(Motion Passed)

4. Decision Required: New

RE: Gregory Levin, Gregory
Lynds and Joanne Wheeler

for the use of BJ's
Restaurant Operations Co.
t/a BJ's Restaurant
5616 Spectrum Drive
Frederick, MD 21703
Class B, On Sale, Beer, Wine and Liquor

Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items are: the final Zoning, the Occupancy Permit, the Fire Marshal, the Health Department, the final lease, Property Assessment, Retail Sales Tax License, Alcohol Awareness, Workers Compensation and the Inspector's Report. Mrs. Schrecengost, the Attorney, stated that the ground is broken and the landlord is doing their site work. Construction will start within the next two weeks and is asking for a conditional approval until the end of the year. They will have between 150-165 employees in a restaurant of 8,000 square feet. They will not be requesting outside seating.

MOTION: Mrs. Hays made a motion for a conditional approval until January 6, 2014.

SECOND: Mr. Stup seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mrs. Hays – Aye
Mr. Stup - Aye
Mr. Zimmerman - Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

5. Decision Required: New

RE: William Holstein and
Susanna Woodward
for the use of Widewaters
Frederick Hotel
Management Co. LLC
t/a Hampton Inn-Frederick
5311 Buckeystown Pike
Frederick, MD 21704
Class B, On Sale, Beer, Wine and Liquor

Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items are: the final Zoning, the Occupancy Permit, the Fire Marshal, the Health Department, the final lease, Retail Sales Tax License, Alcohol Awareness, Workers Compensation and the Inspector's Report. Mrs. Schrecengost, the Attorney, stated they expect a closing date at the end of June and request a conditional approval until the end of September. This company managed 17 other hotels in other states. They have never had any violations. They will employ 80 full-time employees.

MOTION: Mr. Stup made a motion for a conditional approval until October 28, 2013.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Stup – Aye
Mrs. Hays - Aye
Mr. Zimmerman - Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

6. Decision Required: approval of the Public Meeting Minutes for April 15, 2013.

MOTION: Mr. Stup made a motion to approve the Public Meeting Minutes for April 15, 2013.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Stup – Aye
Mrs. Hays - Aye
Mr. Zimmerman - Aye

The vote was unanimous. **Aye – 3 Nays – 0**
(Motion Passed)

7. **HB4** – Ms. Vahle stated she received a phone call from the Flying Dog brewery explaining about this bill. The Liquor Board will have to create a “Consumption Permit” and a license that is similar to a Class D license. The Flying Dog has had a lot of major events and there have been issues where they had to be shut down by the County and the Sheriff. They want to be a manufacturer with a pub on site. The Board is also allowed to set the fee for this license. Ms. Vahle will be meeting with the owner and going over their information. Ms. Vahle will also be requesting information from other counties regarding their Class D licenses. She will also request input from the Sheriff, Zoning Office and the Fire Marshal. The Board will hold a public hearing prior to approving the two licenses. This Bill takes effect on July 1, 2013. Ms. Vahle will draft a proposal for the Board.
8. **Request from Mr. Lee** – Mr. Lee submitted a request for a copy of a law that pertains to the rights of citizens to enter establishments before consuming alcohol and ownership rights pertaining to ability to bar trespass. Mrs. Thall suggested that the Board let him know that it does not have what he is requesting.
9. **Approvals for Outdoor Seating** - Mr. Stup asked if all outdoor Liquor Board approvals are for alcohol to be served inside the roped in area? Are servers allowed to be outside the roped off area? Ms. Vahle stated outside the roped off area is not licensed. Mr. Stup said he had several complaints about servers going outside the roped off area and blocking people walking on the sidewalk. Ms. Vahle will draft a warning letter to go to all licensees who have an outside area permit. Mr. Stup also asked that the Liquor Board take a closer look at all diagrams submitted in the future.

ADJOURN

The meeting was adjourned at 9:41 am.

Respectfully submitted,

Kathy Vahle, Administrator
FREDERICK COUNTY LIQUOR BOARD

Prepared by Sandra Rees